Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of)	
Request for Review by)	CC Docket Nos. 96-45 and 97-21
Dial-Thru, Inc., of the Decision)	
of the Universal Service Administrator)	
)	
Filer ID No. 819966)	

To: The Commission

REQUEST FOR REVIEW

Allen Sciarillo Chief Financial Officer DIAL-THRU, INC. 17383 Sunset Boulevard, Suite 350 Los Angeles, California 90272 Patricia J. Paoletta WILEY REIN & FIELDING LLP 1776 K Street, NW Washington, D.C. 20006 202.719.7000 (Tel) 202.719.7049 (Fax) tpaoletta@wrf.com

COUNSEL FOR DIAL-THRU, INC.

February 17, 2004

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SUMMARY

Dial-Thru, Inc. ("Dial-Thru") respectfully seeks review of a December 19, 2003 decision by the Administrator for the Universal Service Administrative Company ("USAC") that denied Dial-Thru's request for an adjustment to its 2001 Universal Service Fund ("USF") contribution. USAC's calculations, as invoiced to Dial-Thru in 2001, were based upon faulty revenue data and disregarded a revenue report that showed the data was incorrect. When Dial-Thru sought to file a revised submission that would clarify the matter and allow contribution amounts based on its actual revenues, USAC arbitrarily applied a one-year deadline to preclude that filing.

Because USAC's one-year deadline is neither provided for nor authorized in the FCC's rules and contradicts the policy objectives of the Communications Act, Dial-Thru requests that the Commission direct USAC to accept the revised Form 499-A and adjust Dial-Thru's outstanding 2001 USF contribution liability accordingly. Alternatively, Dial-Thru requests that the FCC waive the deadline in this instance for good cause.

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To: The Commission

REQUEST FOR REVIEW

Pursuant to Section 54.719 of the Commission's Rules, 47 C.F.R. § 54.719, Dial-Thru, Inc. ("Dial-Thru"), hereby seeks the FCC's review of the December 19, 2003 decision by the Administrator for the Universal Service Administrative Company ("USAC") denying Dial-Thru's request for an adjustment to its 2001 Universal Service Fund ("USF") contribution that was calculated based upon faulty revenue data. In denying the request, USAC disregarded a revenue report that showed the data was incorrect and arbitrarily applied a one-year deadline for a later filing that clarified the matter. As shown below, the deadline enforced by USAC does not have a basis in the Commission's rules and, as applied to Dial-Thru, would contradict the statutory goal of ensuring that USF contributions are equitable. Should the Commission determine that the deadline is valid, however, Dial-Thru believes that the circumstances in this

Dial-Thru, Inc., Administrator's Decision on Contributor Appeal (dated Dec. 19, 2003) ("December 19 Decision") (attached as Exh. 1).

² 47 U.S.C. § 254.

case justify a waiver of the deadline for good cause under the Commission's rules.³

Accordingly, Dial-Thru respectfully asks the Commission to direct USAC to adjust its outstanding USF contribution liability for the calendar year 2001, and to credit Dial-Thru with any finance charges resulting from the overbilled amounts.

I. STATEMENT OF INTEREST AND MATERIAL FACTS

Dial-Thru is a facilities-based telecommunications company offering services primarily on a wholesale basis to other carriers. It offers international re-origination services to large carriers in the United States, and it offers international re-origination services to in foreign markets. These services are provided almost exclusively using enhanced Internet telephony capabilities.

The instant appeal concerns the 2001 USF contributions owed by Dial-Thru's wholly-owned subsidiary RDST, Inc., which provided prepaid domestic calling card services during the first half of calendar year 2000. RDST billed \$2,179,174 in USF-subject revenues during that period. In approximately May 2000, however, RDST ceased providing prepaid calling card services. Therefore, it had no USF-subject revenues during the second half of 2000.

In September 2000, RDST executed a Form 499-S to report first-half 2000 billed revenues that was used by USAC for purposes of calculating USF contributions owed by RDST during the first half of 2001.⁴ The Form was prepared and timely filed on behalf of RDST by Telecom Compliance Services, Inc. ("TCS"), an un-affiliated third-party vendor in the business of assisting companies with complying with FCC filing requirements.

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³ 47 C.F.R. § 1.3.

⁴ RDST, Inc. 2000 499-S (attached as Exh. 2).

However, TCS inadvertently overstated RDST's USF-subject revenues in the 499-S for the six-month period as \$3,417,586, rather than the actual figure of \$2,179,174. RDST's Form 499-A, filed in 2001, corrected this error and reported the accurate total USF-subject revenues for the year 2000 (\$2,179,174).⁵ This form was also prepared and submitted by TCS.

Dial-Thru recently learned that, although the corrected revenue amount provided on Line 419 of the Form 499-A (gross billed revenues from all sources) was accurate, TCS did not carry that amount onto Line 420 (universal service contribution bases).⁶ As a result, USAC apparently disregarded the filing, and USAC did not credit Dial-Thru for the amounts overbilled in the first half of 2001. USAC also continued to apply finance charges on the overbilled amount.

Dial-Thru's management did not become aware of this problem until late 2002, for several reasons. First, as a small company then lacking in-house expertise, Dial-Thru justifiably believed that the best method to ensure compliance with extremely complex USAC and FCC regulations was to rely on a third party vendor specializing in such filings. Dial-Thru's decision was even more reasonable given that significant changes in contributor reporting requirements took effect during this period. Although Dial-Thru personnel provided TCS with the amount of revenues and other substantive information for the revenue report, Dial-Thru relied upon TCS to

See 2000 499-S at 1; RDST, Inc., 2001 499-A at 5 ("Original 499-A") (attached as Exh. 3).

Original 499-A at 5. Dial-Thru was recently advised by USAC that the original Form 499-A, which was due April 1, 2001, was not received by NECA until September 1, 2001. *See* December 19 Decision at 1. However, Dial-Thru has no basis to believe that the form was not timely filed, based on its internal investigation as well as its discussions with TCS, and USAC has not provided any evidence in support of the claim in its December 19 Decision that the 499-A was filed after the deadline.

Indeed, the Form 499-A and associated instructions alone are over 30 single-spaced pages, and the FCC has issued innumerable decisions and clarifications in this area that total thousands of pages.

⁸ See Federal-State Joint Board on Universal Service, Petition for Reconsideration filed by AT&T (Report and Order and Order on Reconsideration), 16 FCC Rcd 5748 ¶¶ 17-21.

ensure that the information was entered onto the appropriate lines on Form 499-A and that other procedural requirements were followed.

Second, Dial-Thru did not receive any notice from USAC that the Form 499-A 2001 filing was defective. Dial-Thru has contacted the then-responsible personnel at RDST and at TCS, and neither has a record or recollection of receiving a notice from USAC. Moreover, Dial-Thru does not understand why USAC would not have contacted RDST; a cursory review of the Form 499-A as filed initially suggests that clarification would have been appropriate. The Form 499-A showed an amount for *all* revenues for the entire year that was less than the Form 499-S amount for the first half of the year. Thus, USAC could have deduced that the contributory revenues were either equal to or less than the total revenues. Alternatively, looking solely at the form, USAC could have concluded that RDST's contribution base was zero. In any case, USAC could have sought clarification from RDST. Indeed, Dial-Thru submits that such assistance should be expected from the FCC of its USF Administrator.

Third, during the 2000-2001 period, Dial-Thru restructured its underlying line of business, completed several acquisitions and a corporate reorganization, and underwent substantial changes in its top-level management. Significantly, Dial-Thru's comptroller left the company during the first half of 2001, and its current chief financial officer did not join the company until the third quarter of that year. It therefore is not surprising that the USF invoices, in the absence of any other notification from USAC, did not provide effective notice of the overcharges, given (1) the changes in responsible personnel; (2) Dial-Thru's reasonable reliance

on its third-party provider,⁹ and (3) the pressing challenges faced by the company's new management related to the restructuring of its business.

It was not until it began receiving invoices for unexpectedly high contribution amounts, which included significant finance charges for past due amounts, that Dial-Thru's new management initiated an investigation into this matter. Dial-Thru promptly began working in good faith with USAC to resolve the discrepancies between its actual revenues and the invoiced contribution amounts. After extensive discussions with USAC and NECA over the course of a year, Dial-Thru filed a revised 499-A on August 8, 2003 to seek an adjustment to its contribution. Dial-Thru estimates the overcharges to be over \$70,000. This amount is exclusive of finance charges imposed by USAC on the overbilled amounts.

On August 27, 2003, USAC notified Dial-Thru that it would not accept the revised Form 499-A because it was not filed within one year of the original submission. USAC did not address why it had not mentioned that there was a deadline for the submission of revised Form 499's during the innumerable discussions it held with Dial-Thru over the course of the previous year. Nor did USAC fully explain why it had disregarded RDST's initial Form 499-A filing.

Although Dial-Thru conducted reasonable due diligence in retaining a third party provider and had no reason to question TCS's qualifications at that time, it appears that Dial-Thru is not the only carrier that has encountered difficulties with filngs prepared by TCS. *See* Request for Review by Airnex Communications, Inc. of Decision of Universal Service Administrator, CC Docket Nos. 96-45, 97-21 (dated Nov. 25, 2003) at Exh. 4 (stating that 499-A filings prepared by TCS for petitioner did not properly distinguish between its international and interstate revenues).

See RDST, Inc., Revised 2001 499-A (attached as Exh. 4).

Dial-Thru estimates RDST's 2001 contribution to be approximately \$147,802 (\$2,179,174 x 6.7825% [the average of the two contribution factors for 1Q and 2Q 2001]). The company's records indicate that it was billed for \$262,278.98 in payments in calendar year 2001 (exclusive of finance charges), \$44,221.24 of which has been already credited by USAC.

Letter from USAC to Wendy Flores, Dial-Thru, Inc., Re: 2001 Form 499-A Revision Rejection (dated Aug. 27, 2003) ("USAC Rejection Letter") (attached as Exh. 5).

Dial-Thru timely filed an appeal with USAC on October 23, 2003, through its chief financial officer, which included appropriate documentation and a detailed description of the background facts. USAC denied this appeal on December 19, 2003, also on the basis that a "Board-approved" deadline of April 1, 2002 prohibited submissions of revised 2001 499-A forms. Again, USAC did not address why it had not mentioned that there was a deadline for the submission of revised Form 499's during the innumerable discussions it held with Dial-Thru over the course of the previous year. And as earlier, the Administrator did not explain why USAC had disregarded the information reported in RDST's initial Form 499-A filing. Dial-Thru subsequently retained counsel in order to better understand the Commission's and USAC's requirements for contributors, and it now submits this appeal.

As discussed below, Dial-Thru believes that the deadline enforced by USAC has no basis in the Commission's rules and, as applied to Dial-Thru, would contradict the statutory goal of ensuring that USF contributions are equitable. Should the Commission determine that the deadline is valid, however, Dial-Thru believes that the circumstances in this case warrant a waiver of the deadline for good cause under the Commission's rules. 16

II. QUESTIONS PRESENTED FOR REVIEW

1. Did USAC exceed its authority by enforcing a one-year deadline for revised 499-A submissions?

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See Letter from Allen Sciarillo, Chief Financial Officer, Dial-Thru, Inc., to Administrator, to USAC (dated Oct. 23, 2003) (attached as Exh. 6).

December 19 Decision at 2.

¹⁵ 47 U.S.C. § 254.

¹⁶ 47 C.F.R. § 1.3.

2. If USAC did not exceed its authority, should Dial-Thru nevertheless be granted a waiver of the filing deadline for good cause?

In addition to the Orders cited herein, the Commission is referred to its universal service rules, 47 C.F.R. §§ 54.701-54.729, and FCC Forms 499-S, 499-Q, and 499-A, the USF worksheets and instructions.

III. ARGUMENT

A. <u>USAC Does Not Have Delegated Authority to Enforce a One-Year Deadline</u> for Form 499-A Revisions

USAC bases its denial on that fact that Dial-Thru's revised Form 499-A was not filed by a "USAC Board-approved deadline" of "up to 12 months from the initial due date of the form in question" (in this case, the "Board-approved deadline" was April 1, 2002). The enforcement of this requirement, however, is beyond the scope of USAC's delegated authority. The Commission has delegated its authority to the Wireline Competition Bureau ("Bureau") — not USAC — to "require additional reporting requirements that the Bureau deems necessary to the sound and efficient administration of the universal service support mechanisms." Furthermore, the enforcement of such a deadline conflicts with statutory directive and Commission policy and, as such, reflects a policy judgment or statutory/rule interpretation which the FCC has explicitly prohibited USAC from making. 19

December 19 Decision at 2.

¹⁸ 47 C.F.R. § 54.711(c).

Id. at § 54.702(b) ("The Administrator may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress. Where the Act or the Commission's rules are unclear, or do not address a particular situation, the Administrator shall seek guidance from the Commission").

Although USAC states in its decision that the "FCC regulations do not require USAC to accept any late-filed revisions to the Form 499," Dial-Thru is unaware of any regulation *authorizing*, let alone requiring, USAC to enforce an arbitrary cut-off deadline for the filing of 499-A revisions. Indeed, to the extent that the FCC's regulations and forms speak to this issue, they appear to support the opposite view. For example, the instructions to Form 499-A state that filers "*should* submit revised Form 499-A revenue data by December 1 of the same filing year" (emphasis added), but then explicitly provides instructions for "revisions filed after that [date]." Notably, the instructions do not provide a cut-off date after which entities are no longer permitted to file revisions. In contrast, the instructions to Form 499-Q state that "revised filings *must* be made within 45 calendar days of the original filing date." Thus, the Commission clearly could have set a similar, "hard" deadline for the filing of 499-A revisions, but chose not to do so. The Bureau, not USAC, must make any modifications to those instructions.²³

Several of the Commission's universal service rules also contemplate adjustments after a one-year period. For example, Section 54.711(a) imposes a duty upon contributors to keep the

December 19 Decision at 2.

Instructions to the Telecommunications Reporting Worksheet, FCC Form 499-A at 10 (2003). The instructions, insofar as they concern the filing of Form 499-A revisions, have not changed in substance since 2001. *See* 2001 Form 499-A Instructions at 9 (filers "should file revised Form 499-A worksheets by December 1 of the same calendar year. Revisions filed after that must be accompanied by [supporting documentation]").

Instructions to the Telecommunications Reporting Worksheet, FCC Form 499-Q at 9 (2003).

Biennial Regulatory Review — Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Report and Order, 14 FCC Rcd 16602 at ¶ 39 (1999) (delegating authority to the Chief of the Common Carrier Bureau to make future changes to Form 499-A and noting that the Bureau's authority to administer contributor reporting requirements extends to "administrative aspects of the requirements, e.g. where and when worksheets are filed, incorporating edits to reflect Commission changes to the substance of the mechanisms, and other similar details") (emphasis added).

information filed on 499-A's accurate, without any reference to a deadline. Henforcement of USAC's one-year deadline would remove the mechanism for compliance after one year and prevent contributors from complying thereafter. Another rule, Section 54.713, provides that if a carrier fails to file or files late, USAC "shall advise the Commission of any enforcement issues ... and provide any suggested response," and that "once a contributor complies" with the requirements, USAC "may refund any overpayments made by the contributor, less any fees, interest, or costs." These sections limit USAC's ability to deny a late filing. Notably, USAC may not take enforcement action on its own, as it would be doing in Dial-Thru's case if it imposed what is essentially a monetary penalty that bears no reasonable relationship to the error committed here.

Even the instructions to the Form 499 describe responsibilities that extend for a period longer than one year. On page 5 of the instructions, the FCC states that "Telecommunications providers . . . should retain []documentation of their contribution base revenues for 3 calendar years after the date each Worksheet is due." Clearly, the FCC does not intend to foreclose adjustments after a one-year period. And certainly, it cannot mean to suggest that contributors are limited to one year to seek recourse for errors while the FCC has a three-year period to audit and assess additional contributions.

Finally, as discussed in Section B below, USAC's deadline would contravene the Congressional mandate that USF contributions be "equitable" if it were to require entities to

²⁴ 47 C.F.R. § 54.711(a).

25 *Id.* at § 54.713.

²⁶ Form 499-A Instructions at 5 (2003).

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submit erroneously calculated and confiscatory contributions.²⁷ In Dial-Thru's case, application of the deadline would be particularly inequitable given that the error in the 2001 499-A was essentially clerical, and that the form provided USAC with an adequate basis upon which to calculate the correct contribution amount. USAC had adequate notice that a discrepancy existed, which should have prompted USAC to contact Dial-Thru to clarify the information, rather than ignore the filing on its own volition. Instead, Dial-Thru had to discover this error, and thereafter worked in good faith to resolve the discrepancy.

Moreover, the amount of the overcharge represents a significant hardship for the company, which is a small business with limited revenue subject to USF contributions. As mentioned above, Dial-Thru is not yet profitable. Affirming USAC's decision in this case would undermine the policy objective of the Act and the Commission's rules to support competition and to apply USF requirements equitably. Thus, USAC's rejection of Dial-Thru's request either conflicts directly with the statutory directive, or represents an impermissible interpretation of what constitutes an "equitable" contribution. For all of the above reasons, USAC's denial of Dial-Thru's appeal should be reversed.

B. <u>Alternatively, Waiver of USAC's Deadline is Justified by Dial-Thru's Special</u> <u>Circumstances and Would Serve the Public Interest</u>

Should the Commission uphold USAC's one-year deadline, Dial-Thru requests that the Agency waive the deadline in this case and direct USAC to accept Dial-Thru's revised Form 499-A seeking an adjustment. Under Section 1.3 of the Commission's Rules, any provision of the rules may be waived if "good cause" is shown.²⁸ The Commission may exercise its

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See also U.S. Const., Amendment V (Takings Clause).

²⁸ 47 C.F.R. § 1.3.

discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest if applied to the petitioner and when the relief requested would not undermine the policy objective of the rule in question.²⁹ The petitioner must demonstrate that, in view of unique or unusual factual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest.³⁰

Grant of the waiver in this case would serve the public interest by ensuring that Dial-Thru's contributions to universal service are equitable and that a small competitor can continue to operate in the market, providing important price pressures for international services.³¹ Section 254(d) of the Communications Act requires that the mechanisms for universal service contributions must be specific, predictable and sufficient, and contributions to the universal service fund must be made on an equitable and non-discriminatory basis.³² The Bureau has previously granted a waiver of a filing deadline because it found that requiring an entity to contribute an erroneous amount to support universal service is inconsistent with the requirement that contributions be equitable.³³ In that case, the disputed amount was less than \$15,000 – much less than the amount at stake here.³⁴ Requiring Dial-Thru, a small business, to pay an amount

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²⁹ WAIT Radio v. FCC, 418 F.2d 1153 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972) ("WAIT Radio"); Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

³⁰ *WAIT Radio*, 418 F.2d at 1159.

See Via USA, Ltd Telegroup Inc., Application for Authority Under Section 214 of the Communications Act of 1934, as amended, To Operate as International Resale Carriers, 9 FCC Rcd 2288 ¶ 11 (1994) ("The use of ... resold services for international call-back activity could place significant downward pressure on foreign collection rates, to the ultimate benefit of U.S. ratepayers and industry").

⁴⁷ U.S.C. § 254; *ABC Cellular Corporation Page Now, Inc./ABC Paging, Inc.*, Request for Review, 17 FCC Rcd 25192 (Wir. Com. Bur. 2002) at ¶ 10 ("ABC Cellular").

ABC Cellular at \P 10.

See ABC Cellular Corporation Page Now, Inc./ ABC Paging, Inc. Request for Review, CC Docket Nos. 96-45, 97-21 (filed June 17, 2002) at 4 n.11.

that is significantly over its proper USF contribution is clearly inequitable, is unduly burdensome to the company, and would serve neither the public interest nor the goals of the Act.

Furthermore, Dial-Thru faces a combination of unique circumstances that justifies a waiver. <u>First</u>, this is not a case in which a company failed to report sufficient information for USAC to use as a basis for calculating its contribution. As discussed above, Line 419 of RDST's initial 499-A clearly showed that its total 2000 revenues were \$2,179,174, which provided an adequate basis on which to calculate the company's contributions. In short, the error was merely clerical, not substantive.

Second, Dial-Thru has worked in good faith throughout this proceeding to comply with the filing requirements. Its initial reliance on a third-party expert (prior to the advent of current management) to ensure compliance with the Commission's rules was reasonable, given the complexity of the filing requirements, the additional changes to the requirements that took effect in 2001, and the turnover in management that year. Due to the corporate and management reorganization, the error in the filing came to the notice of the Chief Financial Officer later than it would have absent a reorganization. Nonetheless, since that time, Dial-Thru has worked diligently with USAC to resolve outstanding issues and has reached resolution on all issues other than the second half of 2000, at which time it exited the retail prepaid card business that provided the revenues and contribution base for earlier periods.

Third, denial of the waiver will cause substantial hardship to the company, whereas grant of the waiver will not result in a windfall to Dial-Thru. ³⁶ As described above, Dial-Thru will

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See~47~C.F.R.~§~54.709(a)(3) (USAC should use all "relevant data" to compute contribution, if 499-A is not timely filed).

See WAIT Radio, supra n. 28; ABC Cellular at \P 11 ("the waiver of the deadline may be appropriate in circumstances where application of the deadline would impose a significant hardship on applicants").

experience substantial hardship if it is forced to pay what is essentially a penalty for a relatively minor clerical mistake. On the other hand, Dial-Thru did not collect any pass-through fees on the disputed contribution base amount (which was solely a product of USAC's inflated estimate, not actual revenues), and thus the company will not receive any windfall from the correction of this error.

<u>Finally</u>, grant of the waiver will not undermine the USF program. Although the amount at issue is significant to Dial-Thru, the amount is less than one-hundredth of one percent of the amount contributed to the USF program by all telecommunications providers.³⁷ Furthermore, Dial-Thru is not seeking a refund of funds that have already been disbursed by the Administrator, but rather an adjustment of its outstanding liability. The Administrator accommodates the possibility of such adjustments when it calculates the quarterly contribution factors adopted by the Commission. On the other hand, Dial-Thru is limited in the amount it may recover from its end users for competitive reasons and by FCC policy.³⁸

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See, e.g., Proposed First Quarter 2001 Universal Service Contribution Factor, CC Docket No. 96-45, DA 00-2764 (Public Notice) (rel. Dec. 8, 2000) at 2 (projecting collection of \$1.3 billion in contributions in first quarter of 2001).

The FCC has stated that "carriers may not . . . recover through a federal universal service line item an amount that exceeds the interstate telecommunications charges on a customer's bill times [the contribution factor]." See *Proposed Fourth Quarter 2003 Universal Service Contribution Factor*, DA 03-2833 (Public Notice) (rel. Sept. 5, 2003), at p. 4.

IV. STATEMENT OF RELIEF SOUGHT

For the foregoing reasons, Dial-Thru respectfully requests that the Commission direct USAC to accept Dial-Thru's revised 2001 499-A and issue corrected invoices to Dial-Thru based on the information in that filing. In addition, Dial-Thru seeks an elimination of any finance charges or other penalties associated with those miscalculations.

Respectfully submitted,

DIAL-THRU, INC.

Allen Sciarillo Chief Financial Officer DIAL-THRU, INC. 17383 Sunset Boulevard, Suite 350 Los Angeles, California 90272 By: /s/ Patricia J. Paoletta
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202.719.7000

COUNSEL FOR DIAL-THRU, INC.

February 17, 2004

CERTIFICATE OF SERVICE

I, Chin Yoo, hereby certify that on this 17th day of February, 2004, I caused a copy of the foregoing to be sent to:

Administrator Universal Service Administrative Company 2120 L Street, NW, Suite 600 Washington, DC 20037 (via first class mail)

Diane Law Hsu
Deputy Division Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W., Rm 6A-360
Washington, DC 20554
(via hand delivery)

______/s/ Chin Yoo

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

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DECLARATION OF ALLEN SCIARILLO

I, Allen Sciarillo, hereby declare:

I am the Chief Financial Officer of Dial-Thru, Inc. ("Dial-Thru"), a position I have held since the third quarter of 2001. Prior to my joining the company, this position remained vacant for several months. I understand that the last person to oversee my responsibilities on a full-time basis was the prior comptroller, who left the company sometime in the first half of 2001.

I declare under penalty of perjury that, to the best of my knowledge, the facts set forth in the foregoing "Request for Review" are true and correct.

Executed this 17th day of February, 2004, in Los Angeles, California.

Allen Sciarillo

Chief Financial Officer

DIAL-THRU, INC.

17383 Sunset Boulevard, Suite 350

allen Sciarillo

Los Angeles, California 90272





Universal Service Administrative Company

Administrator's Decision on Contributor Appeal

December 19, 2003

BY FEDERAL EXPRESS

Allen Sciarillo Chief Financial Officer Dial-Thru, Inc. 17383 Sunset Boulevard, Suite 350 Los Angeles, California 90272

Re: Dial-Thru, Inc. (Filer ID # 819966)

Dear Mr. Sciarillo:

The Universal Service Administrative Company (USAC) has completed its evaluation of the letter of appeal submitted on behalf of Dial-Thru, Inc. (Dial-Thru) dated October 23, 2003 (Appeal). Your Appeal requests USAC's acceptance of a late-filed 2001 FCC Form 499-A reporting 2000 revenue (2001 Form 499-A).

Summary:

Dial-Thru filed an original 2001 Form 499-A, reporting 2000 annual revenue, on September 10, 2001, five months after the due date of April 1, 2001. Because Dial-Thru had not timely filed its 2001 Form 499-A, USAC, for the purpose of calculating charges, relied on estimates of Dial-Thru's 2001 annual revenue derived from Dial-Thru's previously filed Form 499-S reporting January – June 2001 revenue. USAC's records indicate that the late-filed 2001 Form 499-A, which was received on September 1, 2001, was incorrectly completed. Consequently, no changes were made to Dial-Thru's account. The fact that subsequent invoices did not reflect charges resulting from the form submission put Dial-Thru on notice that its late-filed 2001 Form 499-A had not been processed.

On August 14, 2003, Dial-Thru submitted a revised 2001 Form 499-A. Because USAC received Dial-Thru's revision after the revision deadline, USAC rejected it as untimely.

Allen Sciarillo Chief Financial Officer Dial-Thru, Inc. December 19, 2003 Page 2

Background:

Federal Communications Commission (FCC) regulations require carriers to file an FCC Form 499-A annually and an FCC Form 499-Q quarterly and require USAC to bill contributors based on reported revenues. *See generally* 47 C.F.R. Part 54. USAC is required to estimate revenue for carriers that fail to file the required worksheets and to bill those carriers based on the estimated revenue. FCC regulations do not require USAC to accept any late-filed revisions to the Forms 499.

The 2001 Form 499-A had a due date of April 1, 2001 and an FCC-established revision deadline of December 1 of the same year as provided for in the Form instructions. However, in order to afford contributors an adequate opportunity to revise reported revenues, the USAC Board has authorized USAC to allow carriers a longer 12-month period for the filing of new or revised annual forms. Accordingly, since September 1, 1999, USAC has allowed carriers to file new or revised annual forms after the original due date and for a period limited up to 12 months from the initial due date of the form in question. The deadline for form revisions is clearly stated in the instructions for the Form 499-A, is discussed in a document entitled "Helpful Hints" that was included with the forms, and is posted on USAC's website: www.universalservice.org. In addition, questions concerning forms and revisions can be addressed to USAC's data collection agent via email at "Form499@universalservice.org".

The 2001 Form 499-A was due on April 1, 2001. USAC received Dial-Thru's revised Form on August 14, 2003, after the December 1, 2001 revision deadline provided for in the FCC instructions accompanying the Form and after the USAC Board-approved deadline of April 1, 2002. Because Dial-Thru attempted submission was received more than 12 months after the due date, USAC rejected the submission consistent with its policy.

Explanation of Decision:

Because Dial-Thru's revised 2001 Form 499-A was untimely filed, the Appeal must be denied.

Decision on Appeal: Denied.

USAC hereby denies Dial-Thru's Appeal.

If you disagree with the USAC response to your Letter of Appeal, you may file an appeal with the FCC. Your appeal must be **POSTMARKED** within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via the United States Postal Service, you should direct the appeal to:

Allen Sciarillo Chief Financial Officer Dial-Thru, Inc. December 19, 2003 Page 3

> Federal Communications Commission Office of the Secretary 445 – 12th Street, SW Room TW-A325 Washington, DC 20554

<u>Documents sent by Federal Express of any other express mail should use the following address:</u>

Federal Communications Commission Office of the Secretary 9300 East Hampton Drive Capitol Heights, MD 20743 (8:00 A.M. – 5:30 P.M. ET)

For hand-delivered or messenger-delivered items, use the following address:

Federal Communications Commission Office of the Secretary 236 Massachusetts Avenue, NE, Suite 110 Washington, DC 20002 (8:00 A.M. – 7:00 P.M.)

For security purposes, hand-delivered or messenger-delivered documents will not be accepted if they are enclosed in an envelope. Any envelopes must be disposed of before entering the building. Hand deliveries must be held together with rubber bands or fasteners.

Appeals may also be submitted to the FCC electronically, either by the Electronic Comment Filing System (ECFS) or by fax. The FCC recommends filing with the ECFS to ensure timely filing. Instructions for using ECFS can be found on the ECFS page of the FCC web site. Appeals to the FCC filed by fax must be faxed to 202-418-0187. Electronic appeals will be considered filed on a business day if they are received at any time before 12:00 A.M. (midnight), Eastern Standard Time. Fax transmissions will be considered filed on a business day if the complete transmission is received at any time before 12:00 A.M.

Allen Sciarillo Chief Financial Officer Dial-Thru, Inc. December 19, 2003 Page 4

Please be sure to refer to <u>CC Docket No. 96-45</u> on all communication with the FCC. The appeal transmission must also provide your company's name and Filer ID, plus necessary contact information, including the name, address, telephone number, fax number, and email address of the person filing the appeal. Unless the appeal is by ECFS, please include a copy of the letter being appealed.

Sincerely,

USAC

Universal Service Administrative Company

cc: Diane Law Hsu, FCC Wireline Competition Bureau James Shook, FCC Enforcement Bureau



000 FCC Form 499-S Telecommunication	ns Reporti	ng Worksheet		Approval by OMB 3860-8855
>> Please read instructions before completing. <<< Short Form Universal Service			mber 1, 2000	
ock i: Contributor Identification Information		101	Filer 499 ID	
102 Logal name of reporting entity	RDST, In	С		
103 IRS employer Identification number	75-27770	65		
104 Name telecommunications service provider is	doing business	s as RDSY, In	с.	
105 Principal communications business (check th CAP/CLEC Cellular/PCS/SMF Local Reseller OSP	e one that bes (wireless tele) Paging 8	it describes the reporti phony Incl. by resale)	ng entity see directions) Incumbent LEC Psyphone Service Pro Satellite	ixC
Pre-paid Card Private Service Pr Shared Tenant Service Provider	SMR (die	epatch)	Toti Roseller	Wireless Data
If you chock 'Other Local' , 'Other Mobile' or	Other Le		Other Mobile	Other Toli
1 '	nvidad:			
'Other Toll', describe your carrier type / services pr		e Nerol		
106 Holding company (All affiliated companies should 107 FCC Registration Number (FRN) (not required for Sc	ntember 2000 fill	noi loo		<u> </u>
	pionima	700 S. F	lower Stroot, Sulto 29	50, Los Angeles, CA 900
108 Complete mailing address of reporting entity corporate headquarters				
lock 2: Contact Information				
109 Person who completed this workshoot	Chris St			
110 Telephone number of this person		(678)	-775-2244	
111 Fax number of this person			.775-2254	
112 E-mail of this person	cstockh	off@tcsteam.com	1	
113 Corporate office, attn. name, and mailing address to which future Telecommunications Reporting Worksheats should be sont	6455 Eas	ockhoff st Johns <u>Crossin</u>	g, Suite 285, Duluth, C	GA 30097
114 Billing address and billing contact person: [Bills for Universal Service contributions will be sent to this address.]	Terra Ba 700 S. F	lower Street, Suit	te 2950, Los Angeles,	CA 90017
Block 3: Contributor Revanue Information				Intomational
Filing Period Billed revenue for January 1 to June 30 of 2000	nrough	Total Revenuo (3)	interstate Revenuo (b)	Revenuo (c)
115 Revolue from service provided to other universal	ervice			$\sqrt{2}$
nontributors for regale			04 700 449 50	\$1,573,345.97
116		\$3,417,586.20	\$1,733,448.69	
117 Au cinul revenues			Column (b)	and (c) not requosted
11B Gross billed revenue from all sources sum of abo	ve]	\$3,417,586.20	for lin	os 117 and 118
	or of the filer			
119 I certify that the revenue data contained heroin is likely cause substantial harm to the compositive pr information contained heroin pursuant to Socilons	oriviseged and co osition of the con 0.459, 52.17, 64.	711 and 64.804 of the Co	emmission's Rulos.	nd to the best of my
I certify that I am an officer of the above-ner knowledge, information and belief, all state statement of the affairs of the above-named	menta di iaci v	Official idea in this season.		Vorksheet is an accurate
120 Signature				
121 Printed name of officer				
122 Position with reporting entity				
123 Date				
124 This filing is: X Original filing			ons due by January 31, 200	
Do not meil chacks with this form. Send this form	COMPACT LESSON	titioticanoise sebarania s		
PERSONS MAXING WILLFUL FALSE STATEMENTS IN THE V	ORKSHEET CAN BE	PUNISHED BY FINE OR IMPR	RONMENT UNDER TITLE 18 OF THE U	STED STATES CODE, 18 LLG.C. \$1001
PENSONS MADING THEFT OF PAGE STREET, THE				FCC Form 499-S July 2000



Worksheet sefore completing	V	Approval by OMB 3060-0855
	During the year, carriers must refile Blocks 1, 2 and 6 if there are any changes in Lines (04 or 112. See Instructions.	or 112. See instructions.
499 ID (if you don't know your number, contact the administrator at (973).	0004-3376-55	
JIK ario a r iitai 155		
102 Legal Harle Of refronting shart		
103 IKS employed the full includes the following the second secon	RDST, Inc.	
105 Principal communications business (Check the one that best describes the reporting entity – see directions.	Check one box only.]	The Combon Combon (XC)
CelulanPCS/SMR (wireless telephony incl. by resale)	Incumbent LEC	III Generaliye Calina (Mari
Local Reseller 1 Operator Service Provider (OSP)	Paging & Messaguig	dyplicate certical restaurant
Prepaid Card Private Service Provider	eller	Wireless Data
r Toʻli is checked,	Other Mobile	Other Tall
describe carrier type / services provided:		
(see a final section of the section		
106 Holding company (All afficiants companies stories explain each order) 107 FCC Registration Number (FRN) { https://gulffoss2.fcc.gov/cores/Cores/Home.html } 107 FCC Registration Number (FRN) { https://gulffoss2.fcc.gov/cores/Cores/Home.html }		
(Ful abstraction, contained and contained to another entity)		
108 Camplete mailing address of reporting entity's	700 S. Flower Street, Suite 2950, Los Angeles, CA	CA 90017
corporate headquarters		
110 Complete business address for customer inquiries and complaints	700 S. Flower Street, Suite 2950, Los Angeles, CA 90017	CA 90017
(if different from address entered on Line 109)		
111 Telenhone number for customer inquiries and complaints [Tob-free number if available]	- ()	
112 All trade names that you have used in the past 3 years in providing telecommunications		
services. This should include all names by which you are identified on customer bills.	6	
a		
q	1	
O T	- X	
	E	
Use an additional sheet if necessary. Each reporting entity must provide all names used for carrier activities	tily must provide all names used for carrier activities.	
DERSONS MAKING WILLFILLY FALSE STATEMENTS IN THE WORKSHEET CAN BE PUNISHED BY FIL	THE WORKSHEET CAN BE PUNISHED BY FINE OR INFRISONMENT UNDER TITLE 18 OF THE UKITED STATES CODE,	TES CODE, 18 U.S.C. §1001
ברויסטוס ויאנאני בייני		FCC Form 499-A

February 2001

2001 FCC Form 499-A Telecommunications Reporting	rting Worksheet
Block 2-A: Personal Contact Information	
201 Silar 400 IJ (from line 101)	0004-3376-55
oon to and common of connection entity. [from Line 102]	RDST, Inc.
202 Legal latte or reporting stray turns and the stray of	Chris Stockhoff
203 Paison Wild Compared this walkerson	() . (678) 775-2244
204 Telephone number of this person	(678) 775-2254
205 Fax number of this person	cstockhoff@tcsteam.com
207 Corporate office, attn. name, and mailing address to which future Telecommunications Reporting Worksheets should be sent	6455 East Johns Crossing, Suite 285 Duluth, GA 30097
208 Billing arturess and billing contact person: prian administrators will send bills for contributions to this address. Please attach a written request for alternative	
Black 2-B: Agent for Service of Process	All carriers must complete Lines 209 through 213 Outing the year, carriers must rathe Books 1, 2 and 6 if there are any charges in this section. See Instrutions.
and the Carried of December 11 S C 413	TCS Corporate Services, Inc.
Constant and Secret	() . (202) 783-2700
210 lespinote minural or o.c. ayan.	() . (202) 783-0145
212 E-mail of D.C. agent	
213 Complete business address of D.C. agent for hand service of documents	400 Seventh Street N.W., Suite 101 Washington, D.C. 20004
214 Allermate Agent (or Service of Process (optional)	
215 Telephone number of alternate agent	
216 Fax number of alternate agent	
217 E-mail of alternate agent	
218 Complete business address of atternate agent for hand service of documents	
PERSONS WAKING WILLFULY FALSE STATEMENTS IN THE WORKSHE	IE WORKSHEET CAN BE PUNISHED BY FINE OR IMPRISONIZENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001
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Fire fine, gaulty gloss not have such a position of the Chairman stols is a format in the Chairman stols in the Chairman stole in	219 Chief Executive Officer (or, a similar senior-level official		
227 Orientre (or. a service senior-level official if the filing analyty obes out have such a position or if the Chairman elso is consecutive of the chairman elso is consecutive of the chairman elso is consecutive of critical if the filing entity provides telecommunications services. Include jurisdictions in which service to the consecutive of critical in which services to the chairman solution services. Include jurisdictions in which service to the consecutive of critical in the consecutive of critical in the consecutive of critical in which service to the consecutive of critical in which services to the consecutive of critical in which service to the consecutive of critical in which service is the by to be provided in the next 1's months and a harden services. Include jurisdictions in which service to the consecutive of critical in the consecutive of critical in the critical in th	if the filing entity does not have such a position) 220 Business address of individual named above	check it same as Live 16	Дж
Hentle He	221 Chairman (or, a similar senior-level official if the filing entity does not have such a position or if the Chairman also is	Roger Bryan	
229 President (or. a similar sentor-level official if the films entity does not have soon a position or if the President side is listed on thre 219 arm Line 2211 224 Business address of funklidationand above 225 institute in which pusidictions the films grilly provides takecommunications sentors. Include purisdictions in which service was provided in the next if concilis 225 institute in which pusidictions the films of the next if concilis 226 institute in which pusidictions the films of the next if concilis 227 institute in which pusidictions in which service is likely to be concided in the next if concilis 228 institute in which pusidictions in which service is likely to be concided in the next if concilis 229 Ashama 230 Ashama 240 Ashama 251 Anteriors 252 Institute 253 Institute 253 Institute 254 Institute 255 Institute 255 Institute 256 Institute 257 Institute 257 Institute 258 Institute 258 Institute 258 Institute 258 Institute 259 Institute 259 Institute 250 Institu	fisted on Line 219) 222 Business address of individual named above	check if same as Line 1	乙級
provide na san 9 sas sas sas sas sas sas sas sas sas s	223 President (or, a straidar senior-tevel official if the filing entity does not have such a position or if the President also is	John Jenkin	o,
provide ovide ovid	224 Business address of Individual named above	check if same as Line	
225 Indicate in which puisidictions for fing early provides talegory multipuls and 12 months. Junisdictions in which service is fleely to be provided in the next 12 months. Abaska Abaska Louisaara Anakasa Markarasa Markarasa		active contract	mehade imisdictions in which service was provided in the past 15 months and
Alaska A	225 Indicate in which furjedictions the filing entity provides teleconstants in the named of the	ommunications services text 12 months.	
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Arkansas California Colorado Connectioo Delaware District of Frorida Georgia Georgia Guam Hawaii Idaho Ilfinois Indiana Howa	Z Arzona	Maryland	Pennsylvania
California Colorado Colorado Delaware District of Florida Georgía Guam Hawaii Idaho Ilfinois Indiana Howa	L. Arkansas	Massachusetts	Puerto Rico
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Florida Georgia Guam Hawaii Idaho Ilfinois Indiana Louisea		Z	Texas
Georgia Guam Hawaii Idaho Idifinois Indiana Howa Howa	Z Florida	Montaria Montaria	Utah
Guam Hawaii Idaho Ilfinois Indiana Howa Johnston	S Georgia	✓ Nebraska	U.S. Virgin Islands
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łowa Johnston Kansas	Indiana	New York	
Johnston Kansas		North Carolina	
	Johnston	North Dakota	
		Northern Manan	a Islands

Block 1: Carrier's Carrier Revenue Information	Carrier's Carrier Revenue Information	•		
1	0004-3376-55			
1	RDST, Inc.			
Report bills devenues for January 1 Ihrough December 31, 2000		If breakouts are not book		Breakouts
Do not report any negative numbers. Dollar amounts may be rounded to the nearest thousand dollars. However, report all amounts as whole dollars.	Revenues			International
	4 1	Interestate Internetional	nnal Revenues	(e)
See instructions regarding percent interstate & international.	(8)	701	157	
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Federal Universal Service Support Mechanisms				
<u>Fined Meal service</u> , local celling, connection charges, vertical features. 303 Monthly service, local celling, connection charges, vertical features. and other local exchange service including subscriber line and				· · · · · · · · · · · · · · · · · · ·
PICIC changes to IACS Provided as unbundled natwork elaments				
b Provided under other errengements				
304 Per-minute charges for originaling or terminating calls a Provited under state or federal access baiff			-	
b Provided as unbundled neiwork elements or other contract errangement				
305 Local private line & special access				
306 Payphone compensation from to!l carriers				
397 Other local telecommunications service revenues				
308 Universal service support revenues received from Federal or state sources				
Mchine servines farchuling with jess le kathory, parlar & messaciar, and other mobile servines)				
309 Monthly, activation, and message charges except toll				
intractions of the calls with atternative billing arrangements (credit card, collect, international call-back, etc.)		· ·		
311 Ordinary long distance (direct-dialed MTS, customer toll-free 800/888 service, "10-10" calls, associated monthly account maintenance, PtCC pass-through, and other switched services not reported above)				
312 Long distance private line services	The state of the s			
313 Satellite services				

FCC Form 499-A February 2001



Activative as well as the control of the control	2001 FC	2001 FCC Form 499-A Telecommunications Reporting Worksheet	orksheet				Paye
Total and proposition of the p	Block 4: End	-User and Non-Letecommentations Astronomy Lines and Con-	2424 5035 CC				
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Properties and control of the source for the source of t	١.		RDST, Inc.			Accept	Surfa
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Accordance Control	Do not re the neare	port any negative numbers. Doliar amounts are not not be rounided to set the post and obliars. However, report all amounts as whole dollars. It thousand obliars are not not the post and the post and the post are a presented to the post and	Revenues	percentage Interstate	estimates International	Interstate Revenues	International Revenues
Such arguments of the smouth is diswified as recovering Such arguments of the smooth bulbers as recovering service of the smooth bulbers as service contributions as service or and argument and argument and contributions are countributed and activation of calling a such argument and argument and argument	See Instit	actions regalating percent and area telecom. & non-telecom.)	(a)	(p)	(c)	(Q)	(6)
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409 Monthly and activation charges UNA U	May aliver	sives finchriting wireless teleschang, certra & messearing, and other mobile serukess			ò		
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Enhanced services, inside wiring maintenance, collection, customer premises equipment, publicank fiber, internet access, cable TV program transferommunications service revenues (serons billed revenues from all sources (incl. refl.ines 303 through 314 plus Lines 403 through Universal service contribution bases [Lines 403 & Lines		All other long distance services		8	5		
Gross billed revenues from all sources [incl. re [Lines 303 through 314 plus Lines 403 through Universal service contribution bases [Lines 403 & Lines 413 through 417]	9	Enhanced services, inside wiring maintenance, billing and collection, customer premises equipment, published directory, collection, customer premises equipment program transmission, and more their internal access, cable TV program transmission, and more relecommunications service revenues (see instructions)					
Universal service contribution bases [Lines 40] & Lines 413 through 417]	ı	Gross billed revenues from all sources (incl. reseller & non-telecom.) (Lines 303 through 314 plus Lines 403 through 418)	2,179,174.53			1,474,769.94	604,434,84
_							
_		FALSE STATEMENTS	n be punished by fine or Ira	RISONMENT	UNDER TITLE	18 OF THE UNITED STATES	CODE, 18 U.S.C. §1001

FCC Form 499-A February 2001

1000	ECC Form 499-A	2004 FCC Form 499-A Telecommunications Repor	Reporting Worksheet		
	Direct C. Anditional Revenue Breakouts	ue Breakouts			
2	() () () () () () () () () ()	1071	0004-3376-55		
502	501 Filer 439 ID (ROIL LIPE 191) 502 Legal name of reporting entity [from Line 102]	entity (from Line 102)	RDST, Inc.		
Most	filers must contribute to	LNP administration and must provide the	Most filers must contribute to LNP administration and must provide the percentages requested in Lines 503 through 510.	Block 3	Block 4
	entities that use Line or Percentage of reven estimate to nearest	itities that use Line bus to ceruif und uner constitutions that use the court of th	d Block 4 billed in each region of the country. Round or if no service was provided in the region.	Carrier's Carrier (a)	End-User Telecom. (b)
503	Southeast	Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Nori	Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina. Dundo Bion Scuith Camina, Tennessee, and U.S. Virgin Islands		% 15% %
\$	Western:	Alaska, Arizona, Colorado, Idaho, Iowa	Alaska, Arizona, Colorado, Idaho, Iowa, Mirnesota, Montana, Nebraska, New Mexico, Antheriorado, Idaho, Iowa, Mirnesota, Montana, Nebraska, New Mexico, South Dakota, Utah, Washington, and Wyoming		12%
505	West Coast	California, Hawaii, Nevada, Arretican Samos Northern Mariana Islands, and Wake Island.	California, Hawaii, Nevada, American Samoa, Guam, Johnston Atoll, Midway Atoll, Northern Mariana Islands, and Wake Island.		-
208	Mid-Atlantic	Delaware, District of Columbia, Maryla West Vinginia	Delaware, District of Columbia, Manyland, New Jersey, Pennsylvania, Virginia, and West Virginia		2007
505	MitWest	Ilfinois, Indiana, Michigan, Ohio, and Wisconsin	Wisconsin		*
30 80 S		Connecticut, Maine, Massachusetts, N	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont		43%
503	9 Southwest	Arkansas, Kansas, Missouri, Oktahoma, and Texas	ma, and Texas		
510		[Percentages must add to 0 or 100]			
511	Ĭ	Revenues from resellers that do not contribute to Universal imay be excluded from a fler's TRS, NANPA, LNP, and FCC many the excluded from a fler has the option of identifying such manners excluded the fler has the option of identifying such manners.	Revenues from resellers that do not contribute to Universal Service support mechanisms are included in Block 4, Line 420 but Revenues from resellers that do not contribute to Universal Service support and FCC common carrier regulatory fee contribution bases. To have these may be excluded from a filer's TRS, NANPA, LNP, and FCC common carrier regulatory fee contribution bases. To have these may be excluded the filer has the option of identifying such revenues below.		ē
	מוועשווים ביייים		Total Revenues	Interstate and International	temational
	Rovenies (rom re:	Revenues from resellers that do not contribute to Universal Service	Service	49	0000000
ğ	OTTOGRED HINDING MALETIN Y FALSE STATEMENTS IN		THE WORKSHIET CAN BE PRINSHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 10 USES, 3007	JAILED STATES CODE, 10	IES CUBE, 10 U.S.C. STUDI

FCC Form 499-4 February 2001



2001 FCC Form 499-A Telecommunications Reporting Worksheet >>> Please read instructions before completing.	>>>	Approval by OMB 3060-0855
Hock 1: Contributor Identification Information Duing the year	Outing the year, cames must refer Blocks 1, 2 and 6. if there are any changes in Lives 104 or 112. See Instructions.	ires 104 or 112. See frstluctions.
	0004-3376-55	
102 county identification planter		
103 IKS eightyes trestmication france. 104 Name Jelangminications service provider is doing business as	RDST, fnc.	
105 Principal communications business (Check the one that best describes the reporting entity see directions	ity see directions. Check one box only.]	Interexchange Carrier (IXC)
CAPICLEC Cellular/PCS/SMR (wheless telephony ind. by resale)		Payphone Service Provider
	Satellite	
Prepaid Cald Provider Shared-Tenant Service Provider Shared-Tenant Service Provider	C Toll Reseller	Wireless Data
If Other Local, Other Mobile or Other Toll is checked,	Other Mobile	Other Toll
describe carrier type / services provided:		
106 Holding company (All affilized companies sharld show same name here)		
107 FCC Registration Number (FRN) [https://guilloss2.foc.gov/cores/Cores/Home.html] 15-re-assistance, confact the CORES help desk at 877-489-3201 or CORES@foc.gov/	-	A second
108 Management company (if carrier is managed by another entity)		
109 Complete mading address of reporting entity's corporate headquarters	700 S. Flower Street, Suite 2950, Los Angeles, CA 90017	geles, CA 9001/
110 Complete business address for customer inquiries and complaints reference from address entered on Line 1091	700 S. Flower Street, Suite 2950, Los Angeles, CA 90017	igeles, CA 90017
111 Tetephone number for customer inquiries and complaints [Telf-tee number if available]	- ()	7
112 All trade names that you have used in the past 3 years in providing telecommunications	5	2
services. This should include all names by which you are identified on customer bills.		
0		
q	()	
2	<u>*</u>	
2 0	<u> </u>	
i oco additional chaet if necessary. Each reporting	Each reporting entity must provide all names used for carrier activities.	Š.
	ALE VIOLOGICATION BE PRINTED BY FIVE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES COSE.	ED STATES COSE, 18 U.S.C. §1001
PERSONS MAKING WILLFULLY PAINE STRIEMENTS IN THE MONIGHEN CONTROLL		FCC Form 499-A

February 2001

Block 2-A; Personal Contact Information	
201 Filer 499 ID (from Line 101)	0004-3376-55
202 Legal name of reporting entity (from Line 102)	RDST, Inc.
203 Person who completed this worksheet	Chris Stockhoff
204 Telephone number of this oerson	() . (678) 775-2244
205 Fax number of this person	() - (678) 775-2254
206 E-mail of this person	cstockhoff@tcsteam.com
207 Corporate office, attn. name, and mailing address to which future Telecommunications Reporting Worksheets should be sent	6455 East Johns Crossing, Suite 285 Duluth, GA 30097
208 Billing address and billing contact person: [Plan administrators will send bills for contributions to this address. Please a blach a written request for alternative billing arrangements.]	
Block 2.8: Agent for Service of Process	All carriers must complete Lines 209 through 213 Duing the year, camers must reftle Blocks 1, 2 and 6 if there are any changes in this section. See Instructions.
209 D.C. Agent for Service of Process per 47 U.S.C 413	TCS Corporate Services, Inc.
210 Telephone number of D.C. agent	() - (202) 783-2700
211 Fax number of D.C. agent	() . (202) 783-0145
212 E-mail of D.C. agent	
213 Complete business address of D.C. agent for hand service of documents	400 Seventh Street N.W., Suite 161 Washington, D.C. 20004
214 Alternate Agent for Service of Process (optional)	
215 Telephone number of atternate agent	-()
216 Fax number of alternate agent	- ()
217 E-mail of afternate agent	
218 Complete business address of alternate agent for hand service of documents	
PERSONS MAKING WALFULLY FALSE STATEMENTS IN THE WORKSHEET CAN BE	CAN BE PUNISHED BY FINE OR IMPRISOXMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. §1001
	FCC Form 499-A February 2001

2001 ECC Form 499-A Telecommunications Repo	Reporting Worksheet	sped	Page 3
2-C: FCC Registration Information:	Carrie Dufing the ye	Carriers that provide interstate service must complete Lines 219 through 225 Duing the year, cardens must refie Blocks 1, 2 and 6 if there are 217 changes in this section. See Instructions.	
219 Chief Executive Officer (or, a similar senior-level official if the filing entity does not have such a position) 220 Business address of individual named above	check if same as Line 103		
221 Chairman (or, a similar senior-level official if the filing entity does not have such a position or if the Chairman also is lived on the 219)	Roger Bryant		Annual Property of the Propert
222 Business address of individual named above	check it same as Line 109 🔽		
223 President (or, a similar senior-level official if the filing entity does not have such a position or if the President also is liked on Line 219 or on Line 221)	John Jenkins		
224 Business address of individual named above	check if same as Line 109 🔽	S	
225 Indicate in which jurisdictions the filing entity provides teleconn	nunications services. Incl. 12 months	225 Indicate in which jurisdictions the filing entity provides telecommunications services. Include jurisdictions in which service was provided in the past 15 months and	
jurisdictions in which service is likely to be provided in the next 12 months. Alabama	Kentucky	C Othio	
Alaska	Z Louisfana	🗸 Oklahoma	
an Samoa	Marine	nogero [/]	
Arizona	Z Maryland	V Pennsylvania	
Arkansas	/ Massachusetts		
Carifornia	Michigan Michigan		
✓ Colorado		South Carolina	
Connecticut	Kinnesota	South Dekota	
Oefawere	Missouri	Texas	
	Montana	Urah 🖸	
C Georgia	Nebraska	U.S. Virgin Islands	
Guam	Nevada N	Vermont	
✓ Hawai	New Hampshire	Virginia	
Idaho Idaho	New Jersey	Wake Island	
[Minois	New Mexico	Washington	
/ Indiana	New York		
✓ kowa	North Carolina	Wisconsin	
Johnston Atoff	North Dakota	Wyoming W	
	Northern Mariana Islands	PATOS	
PERSONS MAKING WILLFULLY FALSE STATEMENTS IN THE WORKSHE	ET CAN BE PUNISHED BY	THE WORKSMEET CAN BE PUNISHED BY FINE OR IMPRISONMENT UNDER TITLE 18 OF THE UNITED STATES COLIE, 18 U.S.C. \$423	
		FCC Form 48% A	

2001	FCC Form 499-A Telecommunications Reporting Worksheet	orksheet				Page 4
Bleck 3:	Carrier's Carrier Revenue Information	-				
304	Filer 499 ID From Line 101]	0004-3376-55				
302	Legal name of reporting entity (from Line 102)	RDST, Inc.				
Repor	Report tilled revenues for January 1 through December 31, 2000	Telas	If breakouts are not book amounts, enter whole	re not book Let who!e	Breakouts	uts
DO TO	Do not report any negative functions. Doiler enforms may be notineed to the nearest thousand dollars. However, report all emounts as whole dollars.	Revenues	. 65	estimates	Interstate	International
		3	[merstate	International	Revenues	Revenues
See	nsfructions regarding percent interstate & international.	(2)		+		
Revent	Revenues from Services Provided for Resale by Other Contributors to Federal Universal Service Support Mechanisms					
Eired	Exal heat series					The second section is a second section of the second section of the second section sec
303	303 Monthly service, local calling, connection charges, vertical features, and other local exchange service including subscriber line and					
•						
L on	- 1					
_	D Provided under other analygements					And the second s
304	Per-minute charges for originating or terminating calls a Provided under state or federal access tariff					
لسدد	b Provided as unbundied network elements or other contract amangement					
305	ت					
306	Payphone compensation from toll carriers					
307	1					
308	Universal service support revenues received from Federal or state sources					
ideki.	Mathe services (including wheless belendong caping & messanisa, and other mobile services)					
300	Monthly, activation, and massage charges except toll					
	orices		-+-			
310	Operator and toil calls with atternative billing attangements (credit card, collect, international call-back, etc.)					
311	1				THE REAL PROPERTY OF THE PROPE	AMAMAMAMAMAMAMAMAMAMAMAMAMAMAMAMAMAMAM
	service, "40-10" calls, associated monthly account maintenance, PICC pass-through, and other switched services not reported above).					
312	1					The state of the s
313	Satellite services					
314	All other long distance services		1000000	Take district	OF THE HUITED CTATES	CODE 18 11SC STOOT
	PERSONS MAKING WILLFULLY FALSE STATEMENTS IN THE WORKSHEET CA	TS IN THE WORKSHEET CAN BE PUNISHED BY FINE OR INTERNATIONALE WILL IN CHARLES WILLIAM COLD, 12 COLD STORE AND A	INPRESONMEN!	טאטבא וווגב ונ	מן מת משורה מועורה	700 F 400 A

FCC Form 499-A February 2001

19 cm 10 c	2001	FCC Form 499-A Telecommunications Reporting Worksheet	orksheet				Page 5
Colf Teach Big (multiple state) Colf Service State of the state of th	Block 4:	End-User and Non-Telecommunications Revenues Information					
ROST, Inc.	403	Filer 499 ID [from Line 101]	0004-3376-55				
Total	402	Legal name of reporting entity (from Line 102)					The second section of the second section of the second section second section
Revenues Percentage estimates Internal Int	Repu	nt billed revenues for January 1 through December 31, 2000		f breestauts a	re not book	Hreak	outs
(a)	Do n the n	of report any negative numbers. Dotar amounts may be rounteed to report any negative numbers. However, report all amounts as whole dollars.	Revenues	. 읽ㅡ	astimates cremational	Interstate Revenues	International Revenues
0% 0% 0% 0% 0% 0% 0% 0% 0% 0% 0% 0% 0% 0	See	instructions regarding percent discharge or international.	(a)		(5)	(b)	(e)
and the charges except for federally before by the charges werderal features, where during, connection charges, vertical features, where the charges except for federally by the charges and folic charges and the analysis and the services and the services and the services and the services and s	403	Serchagos or other amounts on bills identified as recovering case or Eadens I universal service confirmings		%0	%0		
Particle	First	Area candinas					
and other botal extensive services and PICC changes services from the changes and PICC changes certified to the changes and PICC changes certified to the changes and PICC changes certified to the changes and PICC chan	4	Monthly service, local calling, connection charges, vertical features,					
PICC charages texted by a loral conchange carrier on a no-PIC metacone texted and farilities described the charges 0%		and other focal exchange service charges except for rederany tariffed subscriber line charges and PICC charges		%0	%0		
Constrained and states and several to the classys. 0%	405	1		%0	%0		
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Citize fuer foreit letecommutations services eventues Resident fuer foreit letecommutations services eventues Resident fuer fuer fuer fuer fuer fuer fuer fuer	407	Payphone coin revenues		క్ర	%0		
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All other long distance services. Enhanced services, inside wing maintenance, billing and collection, customer premises equipment, published directory, dark finer, Internet access, cathe TV program transmission, and non-telecommunications service revenues (see instructions) Gross trilled revenues from all sources [incl. reseller & non-telecom, con-telecommunications service revenues from all sources [incl. reseller & non-telecom, con-telecom, con-telecom	411			%	80		
Enhanced services, inside winds maintenance, billing and collection, customer premises equipment, published directory, dark fiber, Internet access, cathe TV program transmission, and non-telecommunications service revenues from all sources [incl. reseller & non-telecom, con-telecommunications service revenues from all sources [incl. reseller & non-telecom, con-telecom, con-telecommunications service revenues from all sources [incl. reseller & non-telecom, con-telecom,	4			0%	%5		
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2001	FCC Form 499-A	Telecommunications	Reporting Worksheet			Page 6
Block 5:	5: Additional Revenue Breakouts	tue Breakouts			Transfer of the state of the st	
501 F	501 Filer 499 ID (from Line 101)	1011	0004-3376-55			
205 L	egal name of reportin	502 Legal name of reporting entity (from Line 102)	RDST, Inc.			
Most fi	Pers must contribute to	Most filers must contribute to LNP administration and must provide the percentages requested in Lines 503 through 51 contribute to LNP administration and must provide the percentages requested in Lines 503 through 51	must provide the percentages requested in Lines 503 through 510.	Ihrough 510. formation	Brocks	Block 4
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503	Southeast	Alabama, Florida, Georgia, Kentucky, Louistana, Mississippi, Non Puerlo Rico, South Carolina, Tennessee, and U.S. Virgin Islands	Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and U.S. Virgin Islands		ġ"	15% %
504	Western.	Alaska, Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, Rorth Dakota, Oregon, South Dakota, Ulah, Washington, and Wyoming	Alaska, Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Ulah, Washington, and Wyoming	Mexico,	о ^л .	% 42% %
505	West Coast:	California, Hawaii, Nevada, American Samos Northem Manana Islands, and Wake Island.	California, Hawali, Nevada, American Samoa, Guam, Johnston Atoll, Midway Atoll, Northern Mariana Islands, and Wake Island.	Atoil,	5	% / \
206	Mid-Atlantic:	Detaware, District of Cotumbia, Maryla West Virginia	Deławare, District of Cotumbia, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia	, and	01	% 7%
507	Mid-West:	llinois, Indiana, Michigan, Ohio, and Wisconsin	Wisconsin		5	28%
208	Northeast:	Connectieut, Maine, Massachusetts, N	assachusetts, New Hampshire, New York, Rhode Island, and Vermont	d, and Vermont	ű.	% %8 %
509	Southwest:	Arkansas, Kansas, Missouri, Oklahoma, and Texas	na, and Texas		0	43% %
510	Total	[Percentages must add to 0 or 100]			0	% 100% %
511	Revenues from resi may be excluded frogrammers amounts excluded,	Revenues from resellers that do not contribute to Universal Service support mechanisms are included in Block 4, Line 420 but may be excluded from a filer's TRS, NAMPA, LNP, and FCC common carrier regulatory fee contribution bases. To have these amounts excluded, the filer has the option of identifying such revenues below.	te to Universal Service support mechanisms are included in Block 4, Line 420 but LNP, and FCC common carrier regulatory fee contribution bases. To have these identifying such revenues below.	ed in Block 4, Line 420 but tion bases. To have these		
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FCC Form 499-A February 2001

Section IV of the instructions provides information on which types of reporting entities are equired to file for which purposes. Any entity cleaming \$202 testing the mission of legatification in the provides information on which types of reporting entities are equired to file for which purposes. Any entity cleaming \$20,000 to the instructions provides information on which types of reporting entities are equired in the instructions provides information on which types of reporting entities are equired in the instructions provides information on which types of reporting entities are equired in the entities must have confined in the entities must be confined in the entities must be confined in the entities of the entities and the company. I required to the entities of the en
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Universal Service Administrative Company

Filer 499 ID: 819966

August 27, 2003

Dial-Thru, Inc. 17383 Sunset Blvd. Suite 350 Pacific Palisades, CA 90272

Attn: Wendy Flores

RE: 2001 Form 499-A Revision Rejection

The Universal Service Administrative Company (USAC) has completed a review of the Revised FCC Form 499-A that you submitted for the purpose of revising revenue reported by Dial-Thru, Inc. for the period January 1 – December 31, 2000. Based on the information provided, we are unable to accept the revision because it was not filed within one year of the original submission.

USAC recognizes that you may disagree with our decision. If you wish to file an appeal, your appeal must be postmarked no later than 60 days after the date of this letter.

In the event that you choose to appeal the decision, you should follow these guidelines:

- Write a "Letter of Appeal to USAC" explaining why you disagree with this Revised Form 499-A Rejection letter and identify the outcome that you request;
- Mail your letter to:

Letter of Appeal USAC 2120 L Street, NW, Suite 600 Washington, DC 20037

- Appeals submitted by fax, telephone call, and c-mail will not be processed.
- Provide necessary contact information. Please list the name, address, telephone number, fax number, and e-mail address (if available) of the person who can most readily discuss this appeal with USAC.
- Identify the "Legal Reporting Name" and "Filer 499 ID."

80 South Jefferson Rd., Whippany, NJ 07981 Voice: 973/560-4460 Fax: 973/599-6507 Visit us online at: http://www.universalservice.org

- Explain the appeal to the USAC. Please provide documentation to support your appeal.
- Attach a photocopy of this Revised Form 499-A Rejection decision that you are appealing.

USAC will review all "letters of appeal" and respond in writing within 90 days of receipt thereof.

The response will indicate whether USAC:

- (1) agrees with your letter of appeal, and approves an outcome that is different from the Revised Form 499-A Rejection Letter; or
- (2) disagrees with your letter of appeal, and the reasons therefor.

If you disagree with the USAC response to your "letter of appeal," you may file an appeal with the FCC within 60 days of the date USAC issued its decision in response to your "Letter of Appeal." The FCC address where you may direct your appeal is:

Federal Communications Commission Office of the Secretary 445 12th Street, SW Room TW-A325 Washington, DC 20554

Please he sure to indicate the following information on all communications with the FCC: "Docket Nos. 96-45 and 97-21."

In the alternative, you may write and send an appeal letter directly to the Federal Communications Commission (FCC), and bypass USAC. Your letter of appeal to the FCC must explain why you disagree with the USAC decision. You are also encouraged to submit any documentation that supports your appeal. The FCC rules governing the appeals process (Part 54 of Title 47 of the Code of Federal Regulations 54.719 – 54.725) are available on the FCC web site (www.fcc.gov).

If you have questions or concerns regarding this letter, please contact Lisa Tubbs at (973) 884-8116 or Christy Doleshal at (973) 560-4428.

Sincerely,

USAC



October 23, 2003

RE: Dial-Thru, Inc. Filer 499 ID: 819966

Letter of Appeal USAC 2120 L Street, NW, Suite 600 Washington, DC 20037

Subject: Letter of Appeal

Dear Sir or Madam,

We are in receipt of the attached letter from USAC rejecting Dial-Thru, Inc.'s ("Dial-Thru") 2001 revised 499A (filed by Dial-Thru International, Inc., a predecessor corporation). I am hereby writing this letter to formally appeal USAC's decision and respectfully request USAC reconsider its decision for the following reasons.

Dial-Thru's original 499A was filed with NECA within the appropriate time frame required to report the company's revenues for calendar year 2000. This 499A was filed in good faith by the former management of Dial-Thru. At the time of the original filing, Dial-Thru used a third party regulatory compliance firm. Dial-Thru was under the belief that this firm accurately reported only those revenues subject to the Federal Communications Commission's jurisdiction. I have spoken to the former management of Dial-Thru and the regulatory firm, and neither has record of receiving a notice that the form was improperly filed.

After discussing the revenue figures with NECA, I understand that the contribution liability for 2000 was based on the 499-S, which included total company revenue of \$3,417,586.2. I am including this form for your review. The amount was ultimately doubled to \$6,835,172 and used in lieu of the actual figures.

The 499-A filed in the first quarter of 2001, which I am also attaching for your review, totaled \$2,179,174. In the first part of 2000, Dial-Thru ceased providing certain services that were heretofore subject to FCC jurisdiction.. In its haste to submit the 499-S, the company slightly overstated the correct amount, which was ultimately corrected at the time that the 499-A was submitted. The overstatement of revenue used to calculate the company's contribution is \$4,655,998.

The original form, as filed, with the actual revenue figures noted above, has been on file with NECA since the first quarter of 2001. However, as the revenue was apparently only included on Line 419, "Gross billed revenue from all sources", the accurate revenue figures were not used by USAC.

Dial-Thru is a small company. As you can imagine, paying an amount in excess of actual jurisdictional receipts is a significant burden, especially when that amount equates to a tripling of the company's legal obligation. The company, and its current shareholders, should not be made to suffer financially for an honest mistake made by the company's former management. Other taxing authorities, such as the Imernal Revenue Service, provide taxpayers several years to catch and correct honest errors. USAC, as the pseudo-tax collecting arm of the FCC, should provide its constituency the same leniency because, ultimately, USAC should not insist on collecting contributions based on

revenues to which the FCC has no jurisdiction. Furthermore, the excess USF liability, generated by increasing Dial-Thru's obligations based on an estimated revenue figure of approximately \$4.6 million in excess of the actual revenues reported, will force the company into financial ruin. This result is certainly not in the pubic interest.

Given the facts set forth above and because the company is simply asking to remit to USAC the appropriate amount due based on actual receipts, it is my sincere hope that you will reconsider your rejection of our revised filing and correct our account accordingly.

If you need to contact me directly, you can do so to the following address:

Dial-Thru, Inc. 17383 Sunset Boulevard, Suite 350 Pacific Palisades, CA 90272 Attn: Allen Sciarillo, Chief Financial Officer Ph: 310-566-1700 Fax: 310-573-7316

I look forward to your positive response.

Sincerely,

Allen Sciarillo Chief Financial Officer Dial-Thru, Inc.